

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY

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VERIFY SMART CORP.,	:	Civil Action No. 17-cv-04248-JMV-JBC
	:	
Plaintiff,	:	
	:	
v.	:	DECLARATION OF
	:	JEAN-MARC ZIMMERMAN
	:	
BANK OF AMERICA, N.A., BANK OF	:	
AMERICA CORP., WELLS FARGO,	:	
BANK N.A., AND WELLS FARGO	:	
& CO.,	:	
	:	
Defendants.	:	
	:	

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Jean-Marc Zimmerman hereby declares:

1. I am counsel for Plaintiff Verify Smart Corp. (“Verify”) and submit this Declaration in opposition to Defendants Bank of America (“BofA”) and Wells Fargo’s Joint Motion to Dismiss Plaintiff’s Third Amended Complaint (“TAC”).
2. True and correct excerpts of the Deposition Testimony of Roderick McKelvie, Chairman of Askeladden’s Patent Challenge Committee, given in the Verify IPR and included in the Joint Appendix to Verify’s appeal to the Federal Circuit of the same entitled *Verify Smart Corp. v. Askeladden LLC* (19-1076) (“Verify Appeal”) are attached hereto as Exhibit 1.
3. A true and correct copy of an article from IPWatchdog is attached hereto as Exhibit 2.
4. A true and correct copy of TCH 2017 Form 990 is attached hereto as Exhibit 3.

5. True and correct copies of screenshots from TCH's website where it admits acting for the benefit of its owner member banks are attached hereto as Exhibit 4.

6. A true and correct copy of Askeladden's LLC Agreement is attached hereto as Exhibit 5.

7. A true and correct copy of Askeladden's Patent Challenge Guidelines are attached hereto as Exhibit 6.

8. A true and correct copy of an article evidencing that Sean Reilly admitted in testimony before the U.S. Senate that he consults with and follows the directions of TCH's owner banks is attached hereto as Exhibit 7.

9. A true and correct copy of an article written by Reilly in which he admits that he collects prior art to assist the PCC in challenging patents is attached hereto as Exhibit 8.

10. A true and correct comparison of BofA's CBM challenge to Verify's '648 Patent, and Askeladden's subsequently filed IPR challenge to Verify's '648 Patent, with the identical portions from both challenges highlighted in yellow, is attached hereto as Exhibit 9.

11. A true and correct copy of an excerpt from the Congressional Record evidencing that Mr. McKelvie testified before or otherwise lobbied the U.S. Senate in favor of passage of the America Invents Act ("AIA") enacted by Congress in 2011 is attached hereto as Exhibit 10.

12. A true and correct copy of TCH 2015 Form 990 is attached hereto as Exhibit 11.

13. A true and correct copy of TCH 2016 Form 990 is attached hereto as Exhibit 12.

14. Verify relied upon the information contained in all of the exhibits attached hereto as well as the information contained in the Declaration of Lou Pingitore submitted in opposition to the Defendant Banks' Joint Motion to Dismiss, to draft its TAC. All of this information was therefore integral to the TAC.

I declare under the laws of the United States that the foregoing is true and correct.

By: /s/Jean-Marc Zimmerman  
Jean-Marc Zimmerman

Date: December 9, 2020  
Westfield, NJ